

**MEDICAL EXAMINING BOARD
MINUTES
JULY 19, 2006**

PRESENT: Drs. Lief Erickson; Alfred Franger; Sujatha Kailas; Jack Lockhart; Ian Munro; Gene Musser; Sandra Osborn, Bhupinder Saini; and Carolyn Bronston and Virginia Heinemann

ABSENT: Drs. Daniel Miota and Suresh Misra

STAFF: Tom Ryan, Bureau Director; Colleen Baird, Legal Counsel; PJ Monson, Bureau Assistant; and other DRL staff

GUESTS: Jeremy Levin, Wisconsin Medical Society (WMS); Lou Falligant, Wisconsin Academy of Physician Assistants (WAPA); Dick Faust, Council on Physician Assistants

CALL TO ORDER

Gene Musser called the meeting to order at 8:03 a.m. There was a quorum of 9 members present.

APPROVAL OF AGENDA

Additions to Agenda:

- Item “F” – Additional information received
- Item “G” – Proposed Order of the Department of Regulation and Licensing to create chs. RL 180 and 183 and Appendix I.
- After “G” – Proposed Stipulation and Final Decision and order in the matter of Michael A. Dehner, MD.
- After “G” – Proposed Stipulation and Final Decision and order in the matter of William P. Fast, MD.
- Item “H” – Affidavit regarding 04 MED 053 from Sandra Meyers, Division of Enforcement Monitor
- After “I” – Proposed complaint in the matter of case #03 MED 592.
- After “I” – Proposed complaint in the matter of case #03 MED 391.
- After “I” – Proposed complaint in the matter of case #03 MED 385.
- Item “K” – Letter from Michael Fleming, Professor, University of Wisconsin (UW) Madison, regarding Dr. Bhushan Bhamb.
- Item “L” – Appearance by Takushi Kohmoto, MD.
- After “L” – Information relating to the application for re-consideration of James M. Stern, MD.
- After “Q” – DOE case summary report.

(Bhupinder Saini joined the meeting)

MOTION: Alfred Franger moved, seconded by Leif Erickson, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JUNE 21, 2006

MOTION: Virginia Heinemann moved, seconded by Sandra Osborn, to approve the June 21, 2006 minutes as published. Motion carried unanimously.

**PRESENTATION OF PETITION FOR EXAMINATION
05 MED 053**

Deferred to closed session for presentation and deliberation.

**PRESENTATION OF PROPOSED STIPULATIONS,
FINAL DECISIONS AND ORDERS**

MICHAEL A. DEHNER, MD

Attorney Gil Lubcke presented the Proposed Stipulation, Final Decision and Order in the matter of Michael A. Dehner, MD.

WILLIAM P. FAST, MD

Attorney Gil Lubcke presented the Proposed Stipulation, Final Decision and Order in the matter of William P. Fast, MD.

ADMINISTRATIVE REPORT

Board member recognition – resignation of Alfred Franger

Tom Ryan recognized Alfred Franger for his dedication to the Medical Examining Board with a plaque and certificate from Governor Doyle and the citizens of Wisconsin. Alfred Franger thanked the Board members for their dedication and support and DRL staff including Tom Ryan, Colleen Baird and the Division of Enforcement (DOE) for their efforts.

SCREENING PANEL REPORT

Virginia Heinemann stated 23 screening cases were reviewed; 6 cases were opened, 16 were not opened and 1 requires additional information.

SUMMARY REPORTS OF PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION

Tom Ryan reviewed the summary report and noted the status of the 7 year rule.

Ruby Jefferson Moore, legal counsel for the department, joined the meeting to answer questions regarding the standards of practice and grounds for discipline in the rules implementing 2005 Act 292 which extended licensure to Certified Professional Midwives. The Board discussed the rule draft and noted that respiratory distress is included in two locations, one under RL182.03 (4)(2)(e), Consultation and Referral, and also under RL182.03 (5)(a)(2), Transfer. The Board suggested removal of respiratory distress under Consultation and Referral. The Board made two additional recommendations, including the removal of "or other licensed medical professional" on page 13, paragraph (b), and provisions, relating to deep vein thrombosis from sub. (4), "Consultation and Referral", to sub. (5) "Transfer". The Board stated that a patient who is experiencing this condition requires immediate transfer to a hospital. There may be no time for consultation. Ruby Jefferson Moore reminded the members that they may make additional comments to the advisory committee individually as well.

CRIMINAL BACKGROUND CHECKS OVERVIEW BY STATE WIS ADMIN CODE § MED 1.06

Tom Ryan updated the Board on criminal background check policies of other states. The Board discussed the background check process.

MOTION: Gene Musser moved, seconded by Sandra Osborn, to: 1) solicit information from Federation of State Medical Boards (FSMB) relating to what the federal background checks accomplish and if they have specific recommendations to states in that regard. 2) Solicit from DOE what data and collective memory they have regarding whether the lack of federal background checks has caused problems in the past. 3) Obtain detail on cost and time involved. Motion carried unanimously.

SEVEN YEAR RULE CHANGE – RULE DRAFTING DISCUSSION

Colleen Baird explained her rule draft proposal amending Wis. Admin. Code § MED 1.06 (3)(d). Adopting this rule will allow additional time for applicants to complete the examination process. The Board asked that the last sentence of the plain language analysis be removed and that 'well-qualified' be changed to 'qualified'.

MOTION: Gene Musser moved, seconded by Jack Lockhart, to approve the rule as amended and send it to the legislative clearinghouse for review. Motion carried unanimously. Alfred Franger and Virginia Heinemann abstained.

PRACTICE QUESTIONS

Board Position on Internet Prescribing – Carlos M. Finalet, III, General Counsel, Louisiana Board of Pharmacy

Tom Ryan addressed the Board regarding the practice question on internet prescribing. The Board discussed internet prescribing and declined to take action.

MOTION: Gene Musser moved, seconded by Alfred Franger, to respond to the Louisiana Board of Pharmacy and that the content of the letter be delegated to Colleen Baird and Sandra Osborn. Motion carried unanimously.

Supervising Physicians and Physician Assistants – Ericka Watson, UW Medical Foundation and suggested reply from Richard Faust, Wisconsin Council on Physician Assistants (WCPA)

Richard Faust, WCPA, joined the meeting to discuss the questions presented and his suggested responses. The Board made suggestions for the final responses, which will be forwarded to Ericka Watson, UW Medical Foundation.

WIS ADMIN CODE § MED CHAPTER 8

Richard Faust remained and Tom Ryan welcomed Lou Falligant, WAPA, who provided background on a request the Council on Physician Assistants will present at a future meeting to amend Wis. Admin. Code § MED 8. One amendment the council will seek is the elimination of the co-signature requirement on prescriptions. Gil Lubcke, a DOE attorney, briefly joined the discussion.

OUTREACH COMMITTEE REPORT

Sujatha Kailas addressed the Board with information discussed at the last Outreach Committee meeting and outlined some of the avenues for information disbursement. Sandra Osborn requested Board approval for committee members to enlist assistance from the WMS. The Wisconsin Hospital Association has expressed interest in assisting the committee as well. The committee is working on a power point presentation that may be helpful in getting information out to the public and the Board's peers in the medical community regarding the functions and operations of the MEB. The Board will review and approve this presentation when it is completed by the committee.

MOTION: Ian Munro moved, seconded by Alfred Franger, to allow the three outreach committee members to contact external organizations regarding outreach possibilities. Motion carried unanimously.

MOTION: Sandra Osborn moved, seconded by Ian Munro, to authorize Sujatha Kailas to contact Senator Roessler; Bhupinder Saini to contact Representatives Wasserman and Lasee; and Gene Musser to speak to Representative Pridemore to discuss board functions, operations and board membership. Motion carried unanimously.

INFORMATIONAL ITEMS

Noted.

CONVENE TO CLOSED SESSION

MOTION: Sujatha Kailas moved, seconded by Gene Musser, to adjourn to closed session pursuant to Wis. Stat. § 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests and requests for licensure, deliberating on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and considering Division of Enforcement case status reports. Motion carried by roll call vote: Carolyn Bronston-yes; Alfred Franger-yes; Virginia Heinemann-yes; Sujatha Kailas-yes; Jack Lockhart-yes; Ian Munro-yes; Gene Musser-yes; Sandra Osborn-yes; Bhupinder Saini-yes

Open Session recessed at 10:56 a.m.

RECONVENE TO OPEN SESSION

MOTION: Alfred Franger moved, seconded by Sujatha Kailas, to reconvene to open session. Motion carried unanimously.

Open session reconvened at 1:18 p.m.

DELIBERATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS RECEIVED IN THE BUREAU AFTER MAILING OF THE AGENDA

MICHAEL A. DEHNER, MD

MOTION: Virginia Heineman moved, seconded by Alfred Franger, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of Michael A. Dehner, MD. Motion carried unanimously.

WILLIAM P. FAST, MD

MOTION: Leif Erickson moved, seconded by Alfred Franger, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of William P. Fast, MD. Motion carried unanimously. Jack Lockhart abstained.

CONSIDERATION OF PETITION FOR EXAMINATION

04 MED 053

Arthur Thexton appeared before the Board to present the petition for examination. Colleen Baird handed out the order for review.

MOTION: Lief Erickson moved, seconded by Virginia Heinemann, to approve the petition for examination in the matter of case # 04 MED 053. Motion carried unanimously. Ian Munro left the room for deliberations and abstained from the vote.

DELIBERATION OF PROPOSED COMPLAINT

03 MED 381 and 03 MED 417

Attorney Arthur Thexton provided a corrected proposed complaint for Board review.

MOTION: Lief Erickson moved, seconded by Sujatha Kailas, in favor of a finding of probable cause to issue the corrected complaint in the matter of case # 03 MED 381 and 03 MED 417. Motion carried unanimously.

03 MED 592

MOTION: Lief Erickson moved, seconded by Gene Musser, in favor of a finding of probable cause to issue a complaint in the matter of case # 03 MED 592. Motion carried unanimously.

03 MED 385

MOTION: Sujatha Kailas moved, seconded by Alfred Franger, in favor of a finding of probable cause to issue a complaint in the matter of case # 03 MED 385. Motion carried unanimously.

03 MED 391

MOTION: Sandra Osborn moved, seconded by Lief Erickson, in favor of a finding of probable cause to issue a complaint in the matter of case # 03 MED 391. Motion carried unanimously.

FULL BOARD ORAL EXAMINATIONS

MAX A. LUNGREN, MD

Max A. Lungren, MD, failed to appear for examination.

REQUESTING WAIVER OF ACGME APPROVED TRAINING

BHUSHAN L. BHAMB, MD

Bhushan L. Bhamb, MD appeared before the Board to answer questions.

MOTION: Alfred Franger moved, seconded by Sandra Osborn, to accept the training and grant a license for Bhushan L. Bhamb, MD. Motion carried.

**APPLICATION REVIEW - REQUESTING RENEWAL OF VISITING PROFESSOR
LICENSE – TAKUSHI KOHMOTO, MD**

Takushi Kohmoto, MD appeared before the Board to answer questions regarding the renewal of his visiting professor license.

MOTION: Ian Munro moved, seconded by Sujatha Kailas, to grant license for Takushi Kohmoto, MD. Motion carried unanimously.

**RECONSIDERATION OF APPLICATION
JAMES M. STERN**

MOTION: Jack Lockhart moved, seconded by Sandra Osborn, to defer the matter of application reconsideration of James M. Stern to the next meeting. Motion carried unanimously.

DOE MONITORING

**KENNETH SPARR, MD
REQUESTING STAY AND MODIFICATION**

Kenneth Sparr, MD appeared before the Board to answer questions.

MOTION: Virginia Heinemann moved, seconded by Sandra Osborn, to grant a three month stay and reduce UA screening to twice monthly for Kenneth Sparr, MD. Motion carried unanimously.

**YOGESH PAREEK, MD
REQUESTING FULL REINSTATEMENT**

MOTION: Jack Lockhart moved, seconded by Ian Munro, to deny full reinstatement of license for Yogesh Pareek, MD. Motion carried unanimously. Sujatha Kailas abstained.

**DAVID ONSRUD, DO
REQUESTING THREE MONTH STAY**

MOTION: Ian Munro moved, seconded by Sandra Osborn, to grant a the three month stay for David Onsrud, DO. Motion carried unanimously. Jack Lockhart abstained.

**ROBERT VINCENT, MD
REQUESTING THREE MONTH STAY**

MOTION: Gene Musser moved, seconded by Sujatha Kailas, to approve the request regarding mentoring as long as he's not practicing in Wisconsin and grant the three month stay for Robert Vincent, MD. Motion carried unanimously.

**RICHARD HELFFRICH, MD
REQUESTING THREE MONTH STAY**

MOTION: Sujatha Kailas moved, seconded by Alfred Franger, to grant the three month stay for Richard Helffrich, MD. Motion carried unanimously.

DOE CASE CLOSINGS

MOTION: Sujatha Kailas moved, seconded by Lief Erickson, to close case 04 MED 005 for prosecutorial desecration (P2). Motion carried unanimously.

MOTION: Lief Erickson moved, seconded by Sandra Osborn, to close case 03 MED 379 for insufficient evidence. Motion carried unanimously.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF
VOTING IS APPROPRIATE**

MOTION: Alfred Franger moved, seconded by Virginia Heinemann, to reaffirm all motions made during closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Alfred Franger moved, seconded by Gene Musser, to adjourn the meeting at 1:20 p.m. Motion carried unanimously.

Next Meeting: August 16, 2006